SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
OFFICE OF THE PCCF-CUM-SECRETARY
FORESTS, ENV. WILDLIFE & MANAGEMENT DEPARTMENT
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No. 33/F. **Dated 22.4.2006**

NOTIFICATION

In exercise of the powers conferred by clause (h) of sub-section (2) of section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules, namely: -

Short title, extent and C ommencement.

1. (1) These rules may be called the Sikkim Forest, (Allotment of Areas for Quarrying of Sand and Stone) Rules, 2006.
(2) They shall extend to the whole of Sikkim.
(3) They shall come into force on the date of their publication in the Official Gazette.

Definitions

2. In these rules, unless the context otherwise requires;
(a) "agency" means a department of the Central or State Government or a public sector undertaking;
(b) animal" includes both wild animals as well as domestic animals;
(c) "divisions" means the territorial divisions;
(d) "forest laws" means all forest laws applicable within the State of Sikkim as well as the rules made there under;
(e) "form" means the form appended to these rules;
(f) "Government" means the State Government of Sikkim;
(g) "labour laws" means all laws of the land governing the employment and welfare of labour in all kinds of occupation;
(h) "licence holders" mean persons granted a licence by the Forest, Environment & Wildlife Management department for quarrying of sand / stones;bazris and earth
(i) "organization" means any body of individuals such as Panchayat, cooperatives, societies, clubs, trusts, women's group, self help groups, JFMC's etc, registered under relevant Acts./Rules.
(j) "private land" means any land not being under the ownership or possession of the Government and recorded in a private individual's name as per the 1952 cadastral survey record of rights of land ownership of the Land Revenue Department of the Government of Sikkim;
(k) "plant" includes trees, shrubs and herbs not being weeds;

(l) "produce" includes stones, boulders, sand, silt, stone chips or any other material except major minerals found naturally on land or in the river or stream bed;
(m) "quarry" means a place where quarrying is done;
(n) "quarrying" means excavation or extraction of any produce from such land as may be allowed by these rules;
(o) "quarry-related activities" includes loading, unloading, shoveling, pitting, trenching ,stone chip making, pulverizing, movement of laborers within the quarry or to and from it, carrying of produce by head load or body load and plying of vehicles to and from the quarry;
(p) "representative" means relative, worker or other person employed or appointed by any person to collect forest produce on his behalf;
(q) "site" includes any land other than a reserve forest, khasmal or gorucharan land described in the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988;
(r) "special grades" means a class of materials having a specific size or quality of the constituent grains;
(s) "sustainable" means without damaging the future availability of a produce;
(t) " territorial jurisdiction" means the physical area over which an officer has control for the implementation of forest laws and rules as notified by the Government;
(u) "validity period" means period for which a licence can be used for quarrying by a licence holder.

Regulation of quarrying.

3. No person, organization, agency or their representative shall undertake quarrying except under the provisions of these rules.

Assessment of sites to be made.

4. An assessment shall be made of the potential sites that can yield sufficient quantities of produce sustainable for at least one year, in the months of October-November each year.

Committee to be constituted

5. The assessment of sites as provided under rule 4, shall be made by a committee consisting of the following members, namely:-
(a) the Divisional Forest Officer in charge of territorial functions in whose jurisdiction the potential sites fall, who shall be the convener;
(b) the Divisional Forest Officer in charge of Environment and Land Use in whose jurisdiction the potential sites fall;
(c) The Deputy Director of Fisheries,
(d) Representative of Mines & Geology Department
(e) the Range Officers in charge of territorial and Land Use & Environment functions in whose jurisdiction the potential sites fall.
(f) Representative from concerned JFMCs
(g) Representative of the concerned Gram Panchayat

Factors to be assessed by Committee

6. While making assessments the following factors shall be considered, namely:-
(a) that regular quarrying of the site shall not cause any damage to private land holdings falling in the vicinity;
(b) that regular quarrying of the site shall not cause any damage to any forest land or other government land;
(c) that regular quarrying of the site shall not cause death, depletion in population or injury to any plant or animal life, both land as well as aquatic, either immediately or in the long run;
(d) that the quarry shall not become unfit for quarrying within one year of its allotment;

(e) that the site can be covered by a forest check post in order to levy fees, royalties or such other moneys that is due to the Government in respect of the produce to be taken out from it;
(f) that the site does not pose any danger to the laborers who will be working on it or residents of villages or towns falling in its vicinity;
(g) that no provisions of any forest law will be violated while quarrying at the site.

Divisions to submit proposal

7. The divisions shall then submit a proposal to open quarries based on the assessment made as provided under rule 4, to the Conservator of Forests (Territorial), not later than the first week of November, in Form A:
Provided that where a quarrying is proposed in the riverbeds or other land within Reserve Forest, Khasmal or Gorucharan lands clearance shall be obtained under the Forest (Conservation) Act, 1980

Tenders to be called

8. The Conservator of Forests (Territorial) shall call for open tenders to grant license for operation of a quarry from interested individuals and groups, in the month of November, by adopting the procedure hereinafter provided.

Notice to be published

9. A notice shall be published in the leading newspapers of the State to inform the public of the Government's proposal to open the quarries and calling for tenders for the same, in Form B, which shall be made available to the interested persons along with the specifications of the quarry at a cost which may be notified by Government

Government to fix offset amount

10. The Government shall fix the offset tender amount for each quarry and mention it in the notice to be published as provided under rule 9.

Quoted amount to be deposited.

11. The completed tender forms shall be accompanied by the quoted tender amount which shall be deposited as may be decided by Government.

Eligibility conditions

12. The eligibility conditions of persons, for submitting tenders shall be as follows, namely:-
(a) his permanent residence shall be within the territorial Range of the quarry for which the tender is being submitted and in case of a group, it should be based within the District.
(b) He/they shall not already have a licence for quarrying issued under the provision of these rules, either in his own name or in the name of his family members.
(c) He shall be a domicile of Sikkim and possess a relevant document such as Sikkim Subject Certificate.
(d) He should not be employed in any Government or other public sector or private enterprises.
(e) Such other conditions that the Government may impose from time to time, by notification.

Provided that if there are no tenders above the minimum tender amount fixed by Government for a particular quarry, it may be opened for fresh tender duly relaxing the provision contained under rule 11.

Committee to be constituted for opening tenders.

13. The tenders shall be opened by a committee to be constituted by the Government for the purpose, on a date not later than the second week of December.

Highest tender to be accepted.

14. The highest tenders for each quarry shall be accepted and the quarry licence granted to the person who has offered it, for the period from January to December of the next year, duly forfeiting his tender money to the Government, without any further levy.

Licenses to be issued

15. The Conservator of Forests (Territorial) shall communicate the names of the persons or agencies whose tenders are accepted, to the Divisional Forest Officer who shall issue the licenses in Form C.

Period of operation of quarries

16. All quarries shall be operational from January to December of the same year.

Conditions of quarrying

17. All license holders shall abide by the following conditions, namely:-

(a) He shall not sublet the licence to any other person or group of persons, organization or agency.

(b) He shall abide by the provisions of the labor laws with regard to the engagement of labor in his quarry.

(c) He shall compensate any losses suffered by any person or the Government as a consequence of quarrying or quarrying-related activities, in a manner as may be fixed by Government

(d) He shall ensure that the full quantity of produce commensurate with the cost charged shall be supplied to the consumers.

(e) He shall not operate the quarry after the expiry of his licence.

(f) Such other conditions as may be fixed by Government from time to time, by notification.

Procedure to be followed when quarry is discontinued.

18. The Government shall call tenders immediately and issue a fresh licence in respect of any quarry that may be discontinued by a licence holder for any reason during the Validity period of his licence and the tender shall be accepted only for the unexpired term of the original licence.

Exemption from rules in certain cases.

19. The Government shall exempt such agencies from the provisions of these rules who require to use special grades of produce in the public interest. Provided that such agencies must pay annual licence fees to the Government, 50 percent higher than the highest tender offered for a similar quarry anywhere else in the State.

Validity of tender money.

20. If a license is issued for a quarry between January and December, then the tender money or licence fee shall be valid till December of that year only.

Procedure for quarrying in private land.

21. If any person wishes to undertake quarrying from his private land, he shall apply for the same in Form D, to the Divisional Forest Officer (Territorial) under whose jurisdiction the private land is located.

Range Officer to submit report

22. The Divisional Forest Officer (Territorial) shall obtain a report from the Range Officer under whose jurisdiction the private land is located, in Form E.

Report to be sent to Conservator of Forests.

23. The Divisional Forest Officer (Territorial) shall, if he is satisfied that the land sought to be opened for quarrying is the private land of the person who has applied for it as provided under rule 21 and no dispute or damage will be caused by quarrying therein, submit the Forms D and E to the Conservator of Forests (Territorial).

Conservator of Fprests to approve proposal

24. The Conservator of Forests (Territorial) shall, if he is satisfied with the report made by the Range Officer in Form E, approve the proposal and send it to the Divisional Forest Officer (Territorial) who shall issue the licence to him in Form C without levying any fee.

Government may stop quarry in public interest.

25. The Government shall reserve the right to stop the operation of any quarry if it deems its continued operation to be detrimental to the public interest.

Government may amend rules.

26. The Government if it deems it expedient and necessary so to do, may, by notification, to be published in the Official Gazette, make amendments to the provisions of these rules.

T.R.Poudyal, IFS
PCCF-Cum-Secretary
Forest, Environment and Wildlife Department

FORM A
(See rule7)

REPORT OF D.F.O.(TERRITORIAL) FOR OPENING QUARRIES

Name of the Division:

Location of the quarries with details:

Sl. No.	Location	Land Status	Type of Produce Available	Name of Check post that will cover the Quarry	Whether New or Old

The above mentioned sites have been examined by the Committee as provided under rule 5 and are assessed to be suitable for opening quarries.

Signature of DFO(Territorial)

Name.....

Date.....

Place.....

FORM B
(See rule 9)

Serial No.

TENDER FORM

Name of the Quarry Site:

Name of the tenderer:

Father's/Husband's Name:

Full permanent address of the tenderer:

Present Residential Address of the tenderer:

Tender Details:

Offset Rate 1	Quoted Rate 2	Earnest Money (2.5% of 1) 3	Mode of Payment of 3 4	Number & Date of TDR 5

I .....state and affirm that I have gone through the Sikkim Forest Department (Allotment of Areas for Quarrying) Rules, 2001 and agree to abide by the provisions therein.

Witnesses:

1.Name.....

Signature.....

2. Name.....

Signature.....

Signature of tenderer.....

Name.....

Date.....

Place.....

RECEIPT

Received a Term Deposit Receipt bearing Number..... dated..... For an amount of Rs.....(in figures) Rs..... .(in words) being the amount returned to me due to the unsuccessful tender pertaining to the quarry at .....(name of quarry).

Signature.....

FORM C
(See rule 15)

Serial NO

LICENCE FOR QUARRYING

Name of Licence Holder.....

Father's/Husband's Name.....

Residential Address.....

Permanent Address.....

PHOTO

Name of Quarry.....

Area of Quarry.....

Status of Land of Quarry.....

Forest Range.....

Date of Issue.....

Office of Issue.....

Date of Expiry of Licence.....

Place.....

Date.....

Signature of Issuing Authority

Note: This licence is liable to be cancelled in case of violation of any of the conditions of the Sikkim Forest Department (Allotment of Areas for Quarrying) Rules, 2001.

FORM D
(See rule 21)

APPLICATION FOR QUARRYING ON PRIVATE LAND

1. Name of Applicant.....

2. Father's/ Husband's Name .....

3. Panchayat Ward of proposed quarry.....

4. Plot No. of Land of proposed quarry(as per 1952 records).....

5. Plot No. of Land of proposed quarry as per current records.....

.....

6. Name of Owner of land of proposed quarry as per 1952 records.....

7.Name of Owner of land of proposed quarry as per current records.....

8. Relationship of Applicant to Owner.....

Signature of Applicant:

Name:

Date:

Place:

FORM E
(See rule 22)

REPORT OF RANGE OFFICER FOR PRIVATE HOLDING QUARRY

1. Applicant's Name:
2. Father's/ Husband's Name:
3. Panchayat Ward of proposed quarry.....
4. Plot No. of Land of proposed quarry(as per 1952 records).....
5. Plot No. of Land of proposed quarry as per current records.....

   .....
6. Name of Owner of land of proposed quarry as per 1952 records.....
7. Name of Owner of land of proposed quarry as per current records.....
8. Relationship of Applicant to Owner.....
9. Whether NOC attached in case applicant and owner are different: Yes/No
10. Area to be opened for quarry.....
11. Type of Produce to be quarried.....
12. Whether quarry site is accessible by road: Yes/No
13. Name of the checkpost that will cover the quarry.....
14. Period for which quarry will be operated:.....
15. Whether quarrying will cause any damage to private lands in the vicinity or forest land or to any plant or animal life, including fishes:
16. Brief report of Range Officer:
17. Recommended/ Not recommended.

Signature.....

Name.....

Designation.....

Note: This report must be accompanied by attested copy of Khatiyan records of land to be used for quarrying and NOC of the owner of the land if the applicant and owner are different.